

IN THE SENATE OF THE UNITED STATES.

MARCH 19, 1860.—Ordered to be printed.

Mr. SEBASTIAN made the following

REPORT.

[To accompany Bill S. 293.]

*The Committee on Indian Affairs, to whom was referred the petition of Israel Johnson, of Cass county, Indiana, with accompanying evidence, respectfully report:*

That it appears from the sworn evidence submitted that, at the attempted treaty with the Miami tribe of Indians, in the year 1833, at the forks of the Wabash, the said Johnson, at the request and under the direction of General William Marshall and General Nicholas D. Grover, Indian agents, hauled from Logansport to said treaty ground three loads of baggage and provisions for the United States, for which he was to receive from the United States forty-five dollars per load, making one hundred and thirty-five dollars. That he also hauled, by the orders of said agents, one load of baggage from the treaty ground to the payment ground of the Pottawatomies, on the Tippecanoe river, for which he was likewise to receive forty-five dollars.

That, while the said Indians were in council, he also, by the direction of the said agents, gave a public dinner to the chiefs and head men of the Pottawatomies, to promote the efforts to induce them to treat, for which he was to receive seventy-five dollars.

That he was also employed by said agents to transport six boys of the Pottawatomie tribe to Madison, on the way to the Choctaw Academy, in Kentucky, for which, on behalf of the United States, they agreed to pay him one hundred dollars.

He also sets forth that, by the direction of said Indian agents, being a hotel keeper at Logansport, he entertained and kept a large number of Indians and their horses, for some time prior to said attempted treaty, for which he charges two hundred and twenty dollars.

His whole claim thus amounts to five hundred and seventy-five dollars. But the last item above specified for entertainment of the Indians prior to the treaty is regarded by the committee as not being as much within the equity of the case against the United States as the other charges, although doubtless furnished by Mr. Johnson in good faith. Deducting that, would leave three hundred and fifty-five dollars, which we consider equitably due to the petitioner, having been authorized and requested by the officers of the United States,

and all incidental to the formation of an important treaty with the Indians.

The rendition of these services and the reasonable character of the charges are both supported by abundant testimony. General Grover, one of the agents who requested their performance, thus testifies, and further declares that, "having been sub-agent or agent during the treaties by which most of the lands in northern Indiana were purchased of the Indians, the same power was authorized and exercised for expenses of this character." The testimony of Hon. Chauncey Carter, Hon. J. W. Wright, J. B. Duret, and J. Vigus, Esqs., amongst the oldest citizens of Logansport, who were cognizant of these services being performed, that they were authorized, and that the charges are reasonable, also accompany and corroborate the petition before the committee.

While other allowances of a similar character for services at the same time were allowed by the War Department, this claim was omitted, through the negligence of General Marshall, the chief agent and commissioner. On the failure of the treaty, the accounts were hurriedly made up during the night following, and the treaty ground abandoned early the next morning. Mr. Johnson was at that very time absent, hauling a load for the United States to the Pottawatomie payment ground, and being out of sight was forgotten in the hurry of the hour. General Grover, in his affidavit, explains this by allusion to the well-known carelessness, in the matter of accounts, of his superior.

It appears, also, from the evidence, that the reason why the claim has been so long pending is as follows: After Mr. Johnson found that his claim had not been certified, he appealed to General Marshall, who had ordered the services, to pay it himself, which he consented to do when he received money from Washington to pay the expenses; that after waiting a year, and in vain, Marshall then said he would have to certify it before it could be paid, which he then did in a book, although out of office, and the book itself was lost by an attorney employed by Johnson, and could not be found after the attorney's decease. Up to 1845, Johnson supposed Marshall would have to pay it himself, Marshall asking him to take trade for it, which he consented to do, but could never obtain.

Since that time his claim has been pending before Congress. It has been twice reported favorably, in the Senate and in the House, by their Committees of Indian Affairs, and in 1854 a bill for his relief passed the Senate, but failed to reach the House. The committee, therefore, recommend the passage of the accompanying bill as equitable and just, having reduced the claim to three hundred and fifty-five dollars.